

1           **\*-1026/P6.6\*SECTION 1839.** 118.60 (1) (am) 1g. (intro.) of the statutes is  
2 created to read:

3           118.60 (1) (am) 1g. (intro.) Subject to sub. (1m) (a), the school district satisfies  
4 all of the following:

5           **\*-1026/P6.7\*SECTION 1840.** 118.60 (1) (am) 1r. of the statutes is created to  
6 read:

7           118.60 (1) (am) 1r. The school district satisfies all of the following:

8           a. The number of pupils enrolled in the school district equals or exceeds 4,000.

9           In this subd. 1r. a., the number of pupils means the number of pupils as counted  
10 under s. 121.004 (7).

11           b. Subject to sub. (1m) (b) 2., 2 or more public schools in the school district were  
12 placed in the same school year in a performance category of either "fails to meet  
13 expectations" or "meets few expectations," or the equivalent lowest performance  
14 categories, on an accountability report issued by the department under s. 115.385 (1).

15           **\*-1026/P6.8\*SECTION 1841.** 118.60 (1) (am) 2. of the statutes is renumbered  
16 118.60 (1) (am) 1g. b.

17           **\*-1026/P6.9\*SECTION 1842.** 118.60 (1) (am) 3. of the statutes is renumbered  
18 118.60 (1) (am) 1g. c.

19           **\*-1026/P6.10\*SECTION 1843.** 118.60 (1) (am) 4. of the statutes is renumbered  
20 118.60 (1) (am) 1g. d.

21           **\*-1026/P6.11\*SECTION 1844.** 118.60 (1m) of the statutes is renumbered 118.60  
22 (1m) (a) and amended to read:

23           118.60 (1m) (a) By For an eligible school district under sub. (1) (am) 1g., by  
24 November 15 of the 2nd fiscal year of each fiscal biennium, the department shall  
25 prepare a list that identifies eligible school districts. The department shall post the

1 list on the department's Internet site and shall notify in writing the school district  
2 clerk of each eligible school district. A school district that has qualified as an eligible  
3 school district under ~~this section~~ sub. (1) (am) 1g. on April 20, 2012, shall remain an  
4 eligible school district, but no school district may qualify as an eligible school district  
5 under sub. (1) (am) 1g. after April 20, 2012.

6 **\*-1026/P6.12\*SECTION 1845.** 118.60 (1m) (b) of the statutes is created to read:

7 118.60 (1m) (b) 1. Subject to subd. 2., for an eligible school district under sub.  
8 (1) (am) 1r., within 10 days after the department publishes, for at least 2 schools in  
9 a school district, accountability reports under s. 115.385 (1) that place the schools in  
10 a performance category of "fails to meet expectations" or "meets few expectations,"  
11 or the equivalent lowest performance categories, the department shall publish a  
12 notice on the department's Internet site that identifies that school district as an  
13 eligible school district for the immediately following school year, and shall notify in  
14 writing the school district clerk of the eligible school district.

15 2. A school district identified as an eligible school district under subd. 1. ceases  
16 to be an eligible school district if, at the time at which any subsequent accountability  
17 reports are published by the department under s. 115.385 (1), no school or only one  
18 school in the school district is placed in a performance category of "fails to meet  
19 expectations" or "meets few expectations," or the equivalent lowest performance  
20 categories, and the school district did not qualify as an eligible school district, as  
21 required under sub. (2) (bg), in the last school year in which the school district  
22 satisfied the requirements under subd. 1. The department shall, within 10 days after  
23 the department publishes the subsequent accountability reports, remove from the  
24 list of eligible school districts on the department's Internet site any such school  
25 district, and shall notify the school district clerk in writing of the change in eligibility

1 status. This subdivision does not preclude a school district from becoming an eligible  
2 school district under sub. (1) (am) 1r. in a subsequent school year.

3 **\*-1026/P6.13\*SECTION 1846.** 118.60 (2) (a) (intro.) of the statutes is amended  
4 to read:

5 118.60 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (bg) and (br), any pupil in grades  
6 kindergarten to 12 who resides within an eligible school district may attend any  
7 private school if all of the following apply:

8 **\*-1026/P6.14\*SECTION 1847.** 118.60 (2) (a) 3. a. of the statutes is amended to  
9 read:

10 118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c., the private school  
11 notified the state superintendent of its intent to participate in the program under  
12 this section or in the program under s. 119.23, and paid the nonrefundable fee, set  
13 by the department as required under s. 119.23 (2) (a) 3., by February 1 of the previous  
14 school year. The notice shall specify the number of pupils participating in the  
15 program under this section and in the program under s. 119.23 for which the school  
16 has space.

\*\*\*\*NOTE: This is reconciled s. 118.60 (2) (a) 3. a. This SECTION has been affected  
by drafts with the following LRB numbers: LRB-1026/P5 and LRB-1027/P1.

17 **\*-1026/P6.15\*SECTION 1848.** 118.60 (2) (a) 3. c. of the statutes is created to  
18 read:

19 118.60 (2) (a) 3. c. For a participating private school, or a private school that  
20 is a first-time participant in the program under this section, that intends to  
21 participate in the program under this section and to accept pupils who reside within  
22 a school district in the first school year in which that school district is identified as  
23 an eligible school district under sub. (1m) (b) 1., the private school notified the state

1 superintendent of its intent to participate in the program under this section, and  
2 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)  
3 3., by August 1 of the school year in which the private school intends to participate.  
4 The notice shall specify the number of pupils participating in the program under this  
5 section for which the school has space.

6 \*~~1026/P6.16~~SECTION 1849. 118.60 (2) (a) 6. c. of the statutes is amended to  
7 read:

8 118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the  
9 first school year that begins after a school district is identified as an eligible school  
10 district under sub. (1m) (b) 1. and qualifies as an eligible school district under par.  
11 (bg), or is identified as an eligible school district under 2011 Wisconsin Act 32, section  
12 9137 (3u), who has been teaching for at least the 5 consecutive years immediately  
13 preceding that July 1, and who does not satisfy the requirements under subd. 6. a.  
14 on that July 1, applies to the department on a form prepared by the department for  
15 a temporary, nonrenewable waiver from the requirements under subd. 6. a. The  
16 department shall promulgate rules to implement this subd. 6. c., including the form  
17 of the application and the process by which the waiver application will be reviewed.  
18 The application form shall require the applicant to submit a plan for satisfying the  
19 requirements under subd. 6. a., including the name of the accredited institution of  
20 higher education at which the teacher is pursuing or will pursue the bachelor's  
21 degree and the anticipated date on which the teacher expects to complete the  
22 bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31 of  
23 the 5th school year that begins after a school district is both identified as an eligible  
24 school district under sub. (1m) (b) 1. and qualifies as an eligible school district under

1 par. (bg) or is identified as an eligible school district under 2011 Wisconsin Act 32,  
2 section 9137 (3u).

3 **\*-1026/P6.17\*SECTION 1850.** 118.60 (2) (a) 7. of the statutes is amended to  
4 read:

5 118.60 (2) (a) 7. For a private school that is a first-time participant in the  
6 program under this section or in the program under s. 119.23, and that is not  
7 accredited by Wisconsin North Central Association, Wisconsin Religious and  
8 Independent School Accreditation, Independent Schools Association of the Central  
9 States, Wisconsin Evangelical Lutheran Synod School Accreditation, National  
10 Lutheran School Accreditation, the diocese or archdiocese within which the private  
11 school is located, or by any other organization recognized by the National Council for  
12 Private Schools Accreditation, the private school obtains preaccreditation by the  
13 Institute for the Transformation of Learning at Marquette University, Wisconsin  
14 North Central Association, Wisconsin Religious and Independent Schools  
15 Accreditation, Independent Schools Association of the Central States, Wisconsin  
16 Evangelical Lutheran Synod School Accreditation, National Lutheran School  
17 Accreditation, or the diocese or archdiocese within which the private school is located  
18 by ~~September~~ August 1 before the first school term of participation in the program  
19 under this section or in the program under s. 119.23 that begins after ~~August 31,~~  
20 ~~2011,~~ by July 1, 2013; ~~August 1~~ 15 before the first school term of participation in the  
21 program under this section that begins in the first school year that begins after a  
22 school district is identified as an eligible school district under sub. (1m) (b); or by May  
23 1 if the private school begins participation in the program under this section or in the  
24 program under s. 119.23 during summer school. In any school year, a private school  
25 may apply for and seek to obtain preaccreditation from only one of the entities

1 enumerated in this subdivision. A private school that fails to obtain ~~accreditation~~  
2 preaccreditation in a school year may apply for and seek to obtain preaccreditation  
3 from one of the entities enumerated in this subdivision in the following school year.  
4 The private school shall achieve accreditation by Wisconsin North Central  
5 Association, Wisconsin Religious and Independent Schools Accreditation,  
6 Independent Schools Association of the Central States, Wisconsin Evangelical  
7 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the  
8 diocese or archdiocese within which the private school is located, or any other  
9 organization recognized by the National Council for Private School Accreditation, by  
10 December 31 of the 3rd school year following the first school year in which the private  
11 school begins participation in the program under this section. If the private school  
12 is accredited under this subdivision, the private school is not required to obtain  
13 preaccreditation as a prerequisite to providing instruction under this section in  
14 additional grades or in an additional or new school.

\*\*\*NOTE: This is reconciled s. 118.60 (2) (a) 7. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1026/P5 and LRB-1027/P1.

15 **\*-1026/P6.18\*SECTION 1851.** 118.60 (2) (b) of the statutes is repealed.

16 **\*-1026/P6.19\*SECTION 1852.** 118.60 (2) (bg) of the statutes is created to read:

17 118.60 (2) (bg) 1. No pupil who resides in a a school district identified as an  
18 eligible school district under sub. (1m) (b) 1. may attend a private school under this  
19 section until that school district qualifies as an eligible school district under this  
20 paragraph. A school district qualifies as an eligible school district under this  
21 paragraph if no later than August 15 immediately following the date on which the  
22 department identified the school district as an eligible school district under sub. (1m)  
23 (b) 1., at least 20 pupils who reside in the school district apply to attend a private

1 school under this section and simultaneously notify the department that they have  
2 applied to attend a private school under this section. Pupils applying to attend a  
3 private school that is a first-time participant in the program under this section and  
4 that has not obtained preaccreditation as required under par. (a) 7. may not be  
5 counted towards the 20 pupils required for an eligible school district to qualify as an  
6 eligible school district under this section.

7 2. The department shall, no later than 5 days after receiving notice from private  
8 schools regarding acceptance of pupils as required under sub. (3) (a), determine  
9 whether any school district identified as an eligible school district under sub. (1m)  
10 (b) 1. qualifies as an eligible school district under this paragraph, and shall publish  
11 on the department's Internet site a list of any such qualifying eligible school districts.

12 3. A school district that qualifies as an eligible school district under this  
13 paragraph shall remain qualified under this paragraph.

14 **\*-1026/P6.20\*SECTION 1853.** 118.60 (2) (br) of the statutes is created to read:

15 118.60 (2) (br) 1. In the 2013-14 school year, no more than a total of 500 pupils  
16 residing in school districts identified as eligible school districts under sub. (1m) (b)  
17 1. and qualifying as eligible school districts under par. (bg) may attend private  
18 schools under this section. In this paragraph, the number of pupils means the  
19 number of pupils as counted under s. 121.004 (7). Participating private schools shall  
20 give priority to pupils who were eligible for a free or reduced-price lunch in the  
21 federal school lunch program under 42 USC 1758 (b) in the immediately preceding  
22 school year.

23 2. In the 2014-15 school year, no more than a total of 1,000 pupils residing in  
24 school districts identified as eligible school districts under sub. (1m) (b) 1. and  
25 qualifying as eligible school districts under par. (bg) may attend private schools

1 under this section. Participating private schools shall give priority to pupils who  
2 attended a private school under subd. 1.

3 3. Whenever the state superintendent determines that the limit is reached  
4 under subd. 1. or 2., he or she shall issue an order prohibiting the participating  
5 private schools from accepting additional pupils from school districts identified as  
6 eligible school districts under sub. (1m) (b) 1. and qualifying as eligible school  
7 districts under par. (bg) until he or she determines that the number of pupils  
8 attending private schools under this section from those school districts has fallen  
9 below the limit. If the number of pupils attending private schools under this section  
10 falls below the limit under this paragraph, the state superintendent shall issue an  
11 order notifying participating private schools that they may begin accepting  
12 additional pupils from those school districts, and, notwithstanding sub. (3) (a),  
13 participating private schools that wish to accept additional pupils under this section  
14 shall accept pupils as follows:

15 a. The private school shall give first priority to pupils in a school district  
16 identified as an eligible school district under sub. (1m) (b) 1. and qualifying as an  
17 eligible school district under sub. (2) (bg) who are attending a private school under  
18 this section.

19 b. The private school shall give 2nd priority to the siblings of pupils who are  
20 attending a private school under this section from that school district.

21 c. The private school shall give 3rd priority to pupils selected at random under  
22 a procedure established by the department by rule.

23 **\*-1026/P6.21\*SECTION 1854.** 118.60 (3) (a) of the statutes is renumbered  
24 118.60 (3) (a) (intro.) and amended to read:

1           118.60 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit  
2           an application, on a form provided by the state superintendent, to the participating  
3           private school that the pupil wishes to attend. If more than one pupil from the same  
4           family applies to attend the same private school, the pupils may use a single  
5           application. Within 60 days after receiving the application, the private school shall  
6           notify each applicant, in writing, whether his or her application has been accepted,  
7           except that in the first school year in which a school district is identified as an eligible  
8           school district under sub. (1m) (b) 1., a private school that has notified the  
9           department of its intent to participate in the program under this section as required  
10          under sub. (2) (a) 3. c. shall notify each applicant, in writing, whether his or her  
11          application has been accepted within 7 days after receiving the application, and shall  
12          simultaneously notify the department whether the pupil has been accepted. If the  
13          private school rejects an application, the notice shall include the reason. A private  
14          school may reject an applicant only if it has reached its maximum general capacity  
15          or seating capacity. The state superintendent shall ensure that the private school  
16          determines which pupils to accept on a random basis, except that the private school  
17          may give preference in accepting applications to ~~siblings of pupils accepted on a~~  
18          ~~random basis.~~ any of the following:

19                \*~~1026/P6.22~~\***SECTION 1855.** 118.60 (3) (a) 1. to 3. of the statutes are created  
20          to read:

21                118.60 (3) (a) 1. Pupils who attended the private school during the school year  
22          prior to the school year for which the application is being made.

23                2. Siblings of pupils who attended the private school during the school year  
24          prior to the school year for which the application is being made and to siblings of

1 pupils who have been accepted to the private school for the school year for which the  
2 application is being made.

3 3. Pupils who attended another private school under this section or s. 119.23  
4 during the school year prior to the school year for which the application is being  
5 made.

\*\*\*\*NOTE: This is reconciled s. 118.60 (3) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0962/3 and LRB-1026/P5.

6 **\*-0961/4.1\*SECTION 1856.** 118.60 (4) (b) of the statutes is repealed.

7 **\*-0961/4.2\*SECTION 1857.** 118.60 (4) (bg) of the statutes is renumbered 118.60  
8 (4) (bg) 1. and amended to read:

9 118.60 (4) (bg) 1. In the ~~2011-12 and 2012-13~~ 2013-14 school years year, upon  
10 receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the  
11 private school during a school term, the state superintendent shall pay to the private  
12 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from  
13 the appropriation under s. 20.255 (2) (fr), an amount equal to the private school's  
14 operating and debt service cost per pupil that is related to educational programming,  
15 as determined by the department, or \$6,442, whichever is less.

16 **\*-0961/4.3\*SECTION 1858.** 118.60 (4) (bg) 2. of the statutes is created to read:

17 118.60 (4) (bg) 2. In the 2014-15 school year and in each school year thereafter,  
18 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in  
19 the private school during a school term, the state superintendent shall pay to the  
20 private school in which the pupil is enrolled on behalf of the pupil's parent or  
21 guardian, from the appropriation under s. 20.255 (2) (fr), the lesser of an amount  
22 equal to the private school's operating and debt service cost per pupil that is related  
23 to educational programming, as determined by the department, or an amount either

1 of \$7,050, if the pupil is enrolled in a grade from kindergarten to 8, or of \$7,856, if  
2 the pupil is enrolled in a grade from 9 to 12.

3 **\*-0961/4.4\*SECTION 1859.** 118.60 (4) (d) (intro.) of the statutes is amended to  
4 read:

5 118.60 (4) (d) (intro.) In determining a private school's operating and debt  
6 service cost per pupil under par. ~~(b) 1.~~ (bg) and sub. (4m) (a), the department shall  
7 do all of the following:

8 **\*-0961/4.5\*SECTION 1860.** 118.60 (4r) (a) of the statutes is amended to read:  
9 118.60 (4r) (a) Multiply the amount determined under sub. (4) ~~(b) or~~ (bg) by  
10 0.616.

11 **\*-1116/2.6\*SECTION 1861.** 118.60 (4s) of the statutes is created to read:

12 118.60 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
13 private school participating in the program under this section who is receiving a  
14 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
15 school under this section under sub. (4), (4m), or (4r).

16 **\*-1027/P2.1\*SECTION 1862.** 118.60 (5) of the statutes is amended to read:

17 118.60 (5) The state superintendent shall ensure that pupils and parents and  
18 guardians of pupils who reside in an eligible school district are informed annually  
19 of the private schools participating in the program under this section and in the  
20 program under s. 119.23.

21 **\*-0961/4.6\*SECTION 1863.** 118.60 (7) (am) 1. of the statutes is amended to read:

22 118.60 (7) (am) 1. An independent financial audit of the private school  
23 conducted by an independent certified public accountant, accompanied by the  
24 auditor's statement that the report is free of material misstatements and fairly  
25 presents pupil costs under sub. (4) ~~(b) 1~~ (bg). The audit under this subdivision shall

1 be limited in scope to those records that are necessary for the department to make  
2 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
3 including determining sample sizes and evaluating financial viability, in accordance  
4 with the auditing standards established by the American Institute of Certified  
5 Public Accountants. The department may not require an auditor to comply with  
6 standards that exceed the scope of the standards established by the American  
7 Institute of Certified Public Accountants.

8 **\*-0961/4.7\*SECTION 1864.** 118.60 (10) (a) 3. of the statutes is amended to read:

9 118.60 (10) (a) 3. Failed to refund to the state any overpayment made under  
10 s. 118.60 (4) (b), 2011 stats., or s. 118.60 (4) (bg), 2011 stats., or under sub. (4) (b) or  
11 (bg) or (4m) by the date specified by department rule.

12 **\*-1029/P6.3\*SECTION 1865.** 119.04 (1) of the statutes is amended to read:

13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
15 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,  
16 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
17 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
18 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
19 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,  
20 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)  
21 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are  
22 applicable to a 1st class city school district and board.

23 **\*-1027/P2.2\*SECTION 1866.** 119.23 (2) (a) 3. of the statutes is amended to read:

24 119.23 (2) (a) 3. Except as provided in subd. 3m. b., the private school notified  
25 the state superintendent of its intent to participate in the program under this section

1 or in the program under s. 118.60, and paid ~~a~~ the nonrefundable annual fee set by  
2 the department, by February 1 of the previous school year. The notice shall specify  
3 the number of pupils participating in the program under this section and in the  
4 program under s. 118.60 for which the school has space. The department shall by  
5 rule set the fee charged under this subdivision at an amount such that the total fee  
6 revenue covers the costs of employing one full-time auditor to evaluate the financial  
7 information submitted by private schools under sub. (7) (am) and (d) 2. and 3. and  
8 under s. 118.60 (7) (am) and (d) 2. and 3.

9 **\*-1027/P2.3\*SECTION 1867.** 119.23 (2) (a) 7. b. of the statutes is amended to  
10 read:

11 119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that is a  
12 first-time participant in the program under this section or in the program under s.  
13 118.60 on or after July 1, 2009, and that is not accredited as provided under subd.  
14 7. a., the private school obtains preaccreditation by the Institute for the  
15 Transformation of Learning at Marquette University, Wisconsin North Central  
16 Association, Wisconsin Religious and Independent Schools Accreditation,  
17 Independent Schools Association of the Central States, Wisconsin Evangelical  
18 Lutheran Synod School Accreditation, National Lutheran School Accreditation, or  
19 the diocese or archdiocese within which the private school is located by August 1  
20 before the first school term of participation in the program under this section that  
21 begins after July 1, 2009, July 1, 2013; by August 15 before the first school term of  
22 participation in the program under s. 118.60 that begins in the first school year that  
23 begins after a school district is identified as an eligible school district under s. 118.60  
24 (1m) (b); or by May 1 if the private school begins participating in the program under  
25 this section or in the program under s. 118.60 during summer school. In any school

1 year, a private school may apply for and seek to obtain preaccreditation from only one  
2 of the entities enumerated in this subd. 7. b. A private school that fails to obtain  
3 accreditation in a school year may apply for and seek to obtain preaccreditation from  
4 one of the entities enumerated in this subd. 7. b. in the following school year. The  
5 private school shall achieve accreditation by Wisconsin North Central Association,  
6 Wisconsin Religious and Independent Schools Accreditation, Independent Schools  
7 Association of the Central States, Wisconsin Evangelical Lutheran Synod School  
8 Accreditation, National Lutheran School Accreditation, the diocese or archdiocese  
9 within which the private school is located, or any other organization recognized by  
10 the National Council for Private School Accreditation, by December 31 of the 3rd  
11 school year following the first school year that begins after July 1, 2009, in which it  
12 participates in the program under this section or in the program under s. 118.60. If  
13 the private school is accredited under this subd. 7. b., the private school is not  
14 required to obtain preaccreditation as a prerequisite to providing instruction under  
15 this section in additional grades or in an additional or new school.

16 \***-1027/P2.4\*SECTION 1868.** 119.23 (2) (a) 7. c. of the statutes is amended to  
17 read:

18 119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or  
19 seeking to participate in the program under this section or in the program under s.  
20 118.60 may not apply for accreditation by the Institute for the Transformation of  
21 Learning at Marquette University, except that a private school that has applied for  
22 accreditation to the Institute for the Transformation of Learning at Marquette  
23 University before July 1, 2009, may complete the accreditation process with the  
24 Institute for the Transformation of Learning at Marquette University, and may seek

1 renewal of accreditation from the Institute for the Transformation of Learning at  
2 Marquette University.

3 **\*-0962/4.1\*SECTION 1869.** 119.23 (3) (a) of the statutes is renumbered 119.23  
4 (3) (a) (intro.) and amended to read:

5 119.23 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit  
6 an application, on a form provided by the state superintendent, to the participating  
7 private school that the pupil wishes to attend. If more than one pupil from the same  
8 family applies to attend the same private school, the pupils may use a single  
9 application. Within 60 days after receiving the application, the private school shall  
10 notify each applicant, in writing, whether his or her application has been accepted.  
11 If the private school rejects an application, the notice shall include the reason. A  
12 private school may reject an applicant only if it has reached its maximum general  
13 capacity or seating capacity. The state superintendent shall ensure that the private  
14 school determines which pupils to accept on a random basis, except that the private  
15 school may give preference in accepting applications to siblings of pupils accepted on  
16 a random basis. to any of the following:

17 **\*-0962/4.2\*SECTION 1870.** 119.23 (3) (a) 1. to 3. of the statutes are created to  
18 read:

19 119.23 (3) (a) 1. Pupils who attended the private school during the school year  
20 prior to the school year for which the application is being made.

21 2. Siblings of pupils who attended the private school during the school year  
22 prior to the school year for which the application is being made and to siblings of  
23 pupils who have been accepted to the private school for the school year for which the  
24 application is being made.

1           3. Pupils who attended another private school under this section or s. 118.60  
2 during the school year prior to the school year for which the application is being  
3 made.

4           \*~~0961/4.8~~**SECTION 1871.** 119.23 (4) (b) of the statutes is repealed.

5           \*~~0961/4.9~~**SECTION 1872.** 119.23 (4) (bg) of the statutes is renumbered 119.23  
6 (4) (bg) 1. and amended to read:

7           119.23 (4) (bg) 1. In the ~~2011–12 and 2012–13~~ 2013–14 school years year, upon  
8 receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the  
9 private school during a school term, the state superintendent shall pay to the private  
10 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from  
11 the appropriation under s. 20.255 (2) (fu), an amount equal to the private school's  
12 operating and debt service cost per pupil that is related to educational programming,  
13 as determined by the department, or \$6,442, whichever is less.

14           \*~~0961/4.10~~**SECTION 1873.** 119.23 (4) (bg) 2. of the statutes is created to read:

15           119.23 (4) (bg) 2. In the 2014–15 school year and in each school year thereafter,  
16 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in  
17 the private school during a school term, the state superintendent shall pay to the  
18 private school in which the pupil is enrolled on behalf of the pupil's parent or  
19 guardian, from the appropriation under s. 20.255 (2) (fu), the lesser of an amount  
20 equal to the private school's operating and debt service cost per pupil that is related  
21 to educational programming, as determined by the department, or an amount either  
22 of \$7,050, if the pupil is enrolled in a grade from kindergarten to 8, or of \$7,856, if  
23 the pupil is enrolled in a grade from 9 to 12.

24           \*~~0961/4.11~~**SECTION 1874.** 119.23 (4) (d) (intro.) of the statutes is amended to  
25 read:

1           119.23 (4) (d) (intro.) In determining a private school's operating and debt  
2           service cost per pupil under par. ~~(b) 1.~~ (bg) and sub. (4m) (a), the department shall  
3           do all of the following:

4           **\*-0961/4.12\*SECTION 1875.** 119.23 (4r) (a) 1. of the statutes is repealed.

5           **\*-0961/4.13\*SECTION 1876.** 119.23 (4r) (a) 2. of the statutes is renumbered  
6           119.23 (4r) (a) and amended to read:

7           119.23 (4r) (a) ~~In the 2010-11 school year and in any school year thereafter,~~  
8           ~~multiply~~ Multiply the amount determined under sub. (4) ~~(b) or~~ (bg) by 0.616.

9           **\*-1116/2.7\*SECTION 1877.** 119.23 (4s) of the statutes is created to read:

10          119.23 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
11          private school participating in the program under this section who is receiving a  
12          scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
13          school under this section under sub. (4), (4m), or (4r).

14          **\*-1027/P2.5\*SECTION 1878.** 119.23 (5) of the statutes is amended to read:

15          119.23 (5) The state superintendent shall ensure that pupils and parents and  
16          guardians of pupils who reside in the city are informed annually of the private  
17          schools participating in the program under this section and in the program under s.  
18          118.60.

19          **\*-0346/P4.12\*SECTION 1879.** 119.23 (6m) (b) 3. d. of the statutes is amended  
20          to read:

21          119.23 (6m) (b) 3. d. To the extent permitted under 20 USC 1232g and 43 CFR  
22          part 99, pupil scores on all standardized tests administered under sub. (7) (e) ~~1.~~

23          **\*-0961/4.14\*SECTION 1880.** 119.23 (7) (am) 1. of the statutes is amended to  
24          read:

119.23 (7) (am) 1. An independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1 (bg). The audit under this subdivision shall be limited in scope to those records that are necessary for the department to make payments under subs. (4) and (4m). The auditor shall conduct his or her audit, including determining sample sizes and evaluating financial viability, in accordance with the auditing standards established by the American Institute of Certified Public Accountants. The department may not require an auditor to comply with standards that exceed the scope of the standards established by the American Institute of Certified Public Accountants.

\*-0346/P4.13\*SECTION 1881. 119.23 (7) (e) 1. of the statutes is renumbered 119.23 (7) (e) and amended to read:

119.23 (7) (e) 1. ~~In the 2009-10 school year, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11 school year and annually thereafter, each~~ Each private school participating in the program under this section shall administer the examinations required under s. 118.30 (1s) to pupils attending the school under the program. The private school may administer additional standardized tests to such pupils. ~~Beginning in 2006 and annually thereafter until 2011, the private school shall provide the scores of all standardized tests and examinations that it administers under this subdivision to the School Choice Demonstration Project.~~

\*-0346/P4.14\*SECTION 1882. 119.23 (7) (e) 2. of the statutes is repealed.

1           **\*-0961/4.15\*SECTION 1883.** 119.23 (10) (a) 3. of the statutes is amended to  
2 read:

3           119.23 (10) (a) 3. Failed to refund to the state any overpayment made under  
4 s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) (b) or  
5 (bg) or (4m) by the date specified by department rule.

6           **\*-1028/P7.5\*SECTION 1884.** 120.12 (2r) of the statutes is created to read:

7           120.12 (2r) SCHOOL PERFORMANCE INCENTIVE PROGRAM. By September 1, 2014,  
8 establish a policy for the distribution of funding awarded to a school located in the  
9 district and eligible to receive an award under s. 115.40. The school board may not,  
10 in the policy established under this subsection, prescribe the manner in which funds  
11 awarded to a school under s. 115.40 are to be used by the school, but may identify and  
12 prioritize goals and objectives towards which the funds may be applied.

13           **\*-1029/P6.4\*SECTION 1885.** 121.004 (7) (em) of the statutes is created to read:

14           121.004 (7) (em) A pupil attending public school under s. 118.53 shall be  
15 counted as 0.25 pupil for each course the pupil attends at the public school during  
16 the school year.

17           **\*-1132/P2.3\*SECTION 1886.** 121.02 (1) (a) 2. of the statutes is amended to read:

18           121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional  
19 staff of charter schools located in the school district hold a license or permit to teach  
20 issued by the department. For purposes of this subdivision, a virtual charter school  
21 is located in the school district specified in s. 118.40 (8) (a) and a charter school  
22 established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s.  
23 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining  
24 "instructional staff" for purposes of this subdivision.

25           **\*-1116/2.8\*SECTION 1887.** 121.05 (1) (a) 4. of the statutes is created to read:

1 121.05 (1) (a) 4. Pupils residing in the school district but attending a public  
2 school in another school district, or a private school, under s. 115.7915.

3 **\*-1029/P6.5\*SECTION 1888.** 121.05 (1) (a) 12m. of the statutes is created to  
4 read:

5 121.05 (1) (a) 12m. Pupils attending a public school under s. 118.53.

6 **\*-1187/P3.1\*SECTION 1889.** 121.05 (3m) of the statutes is created to read:

7 121.05 (3m) If pupils enrolled in a school will not be in attendance at the school  
8 on any of the dates specified in sub. (1) (a) or (2) because of a regularly scheduled  
9 holiday or for a reason approved by the school board, the state superintendent shall  
10 permit the membership counting date to occur on the 3rd weekday that follows the  
11 next school day on which school is in session.

12 **\*-1307/2.1\*SECTION 1890.** 121.07 (6) (e) 1. of the statutes is amended to read:

13 121.07 (6) (e) 1. For a school district created by a consolidation under s. 117.08  
14 or 117.09, in the school year in which the consolidation takes effect and in each of the  
15 subsequent 4 school years, the amounts under pars. (b) and (d) shall be multiplied  
16 by 1.15 and rounded to the next lowest dollar. In the 5th school year following the  
17 school year in which the consolidation took effect, the amounts under pars. (b) and  
18 (d) shall be multiplied by 1.10 and rounded to the next lower dollar. In the 6th school  
19 year following the school year in which the consolidation took effect, the amounts  
20 under pars. (b) and (d) shall be multiplied by 1.05 and rounded to the next lower  
21 dollar.

22 **\*-1307/2.2\*SECTION 1891.** 121.07 (7) (e) 1. of the statutes is amended to read:

23 121.07 (7) (e) 1. For a school district created by a consolidation under s. 117.08  
24 or 117.09, in the school year in which the consolidation takes effect and in each of the  
25 subsequent 4 school years, the amounts under pars. (a) to (bm) shall be multiplied

1 by 1.15 and rounded to the next lower dollar. In the 5th school year following the  
2 school year in which the consolidation took effect, the amounts under pars. (a) to (bm)  
3 shall be multiplied by 1.10 and rounded to the next lower dollar. In the 6th school  
4 year following the school year in which the consolidation took effect, the amounts  
5 under pars. (a) to (bm) shall be multiplied by 1.05 and rounded to the next lower  
6 dollar.

7 **\*-1116/2.9\*SECTION 1892.** 121.08 (4) (am) of the statutes is created to read:

8 121.08 (4) (am) The amount of state aid that a school district is eligible to be  
9 paid from the appropriation under s. 20.255 (2) (ac) in any school year shall be  
10 reduced by the total amount of scholarships paid by the department under s.  
11 115.7915 in that school year for pupils who reside in the school district. The  
12 department shall ensure that the amount of the aid reduction under this paragraph  
13 does not affect the amount determined to be received by a school district as state aid  
14 under this section for any other purpose.

15 **\*-1026/P6.23\*SECTION 1893.** 121.08 (4) (br) of the statutes is amended to read:

16 121.08 (4) (br) The amount of state aid that an eligible school district is eligible  
17 to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the  
18 amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in  
19 the first school year that begins after a school district is identified as an eligible  
20 school district under s. 118.60 (1m) (b) 1. and qualifies as an eligible school district  
21 under s. 118.60 (2) (bg) or 2011 Wisconsin Act 32, section 9137 (3u), and in each school  
22 year thereafter by 38.4 percent.

23 **\*-1116/2.10\*SECTION 1894.** 121.08 (4) (d) of the statutes is amended to read:

24 121.08 (4) (d) The state superintendent shall ensure that the total amount of  
25 aid reduction under ~~pars. (a), (b), and (br)~~ this subsection lapses to the general fund.

1           \***-1307/2.3\*SECTION 1895.** 121.105 (3) of the statutes is amended to read:

2           121.105 (3) In the school year in which a school district consolidation takes  
3 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the  
4 consolidated school district's state aid shall be an amount that is not less than the  
5 aggregate state aid to which the consolidating school districts were eligible in the  
6 school year prior to the school year in which the consolidation takes effect. In the 5th  
7 school year following the school year in which the consolidation took effect, the  
8 consolidated school district's state aid shall be an amount that is not less than 66  
9 percent of the aggregate state aid to which the consolidating school districts were  
10 eligible in the school year prior to the school year in which the consolidation took  
11 effect. In the 6th school year following the school year in which the consolidation took  
12 effect, the consolidated school district's state aid shall be an amount that is not less  
13 than 33 percent of the aggregate state aid to which the consolidating school districts  
14 were eligible in the school year prior to the school year in which the consolidation  
15 took effect. The additional state aid shall be paid from the appropriation under s.  
16 20.255 (2) (ac).

17           \***-1029/P6.6\*SECTION 1896.** 121.54 (2) (c) of the statutes is amended to read:

18           121.54 (2) (c) An annual or special meeting of a common or union high school  
19 district, or the school board of a unified school district, may elect to provide  
20 transportation for pupils who are not required to be transported under this section,  
21 including pupils attending public school under s. 118.145 (4) or 118.53.  
22 Transportation may be provided for all or some of the pupils who reside in the school  
23 district to and from the public school they are entitled to attend or the private school,  
24 within or outside the school district, within whose attendance area they reside. If  
25 transportation is provided for less than all such pupils there shall be reasonable

1 uniformity in the minimum distance that pupils attending public and private schools  
2 will be transported. Except for elementary school districts electing to furnish  
3 transportation under par. (b) 2., this paragraph does not permit a school district  
4 operating only elementary grades to provide transportation for pupils attending  
5 private schools.

6 **\*-1116/2.11\*SECTION 1897.** 121.54 (3) of the statutes is amended to read:

7 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. ~~Every~~ Except as  
8 provided in s. 115.7915 (5), every school board shall provide transportation for  
9 children with disabilities, as defined in s. 115.76 (5), to any public or private  
10 elementary or high school, to the school operated by the Wisconsin Center for the  
11 Blind and Visually Impaired or the school operated by the Wisconsin Educational  
12 Services Program for the Deaf and Hard of Hearing or to any special education  
13 program for children with disabilities sponsored by a state tax-supported institution  
14 of higher education, including a technical college, regardless of distance, if the  
15 request for such transportation is approved by the state superintendent. Approval  
16 shall be based on whether or not the child can walk to school with safety and comfort.  
17 Section 121.53 shall apply to transportation provided under this subsection.

18 **\*-0820/1.1\*SECTION 1898.** 121.58 (2) (a) 4. of the statutes is amended to read:

19 121.58 (2) (a) 4. For each pupil so transported whose residence is more than  
20 12 miles from the school attended, ~~\$180 per school year in the 2006-07 school year~~  
21 ~~and \$220 per school year~~ in the 2012-13 school year and \$275 per school year  
22 thereafter.

23 **\*-1187/P3.2\*SECTION 1899.** 121.83 (1) (a) 2. of the statutes is amended to read:

1 121.83 (1) (a) 2. If the agency of service counts the pupil under s. 121.05 (1) (a)  
2 or (2), or on an alternate counting date under s. 121.05 (3) or (3m), state general aid  
3 shall be subtracted.

4 **\*-1187/P3.3\*SECTION 1900.** 121.90 (1) (intro.) of the statutes is amended to  
5 read:

6 121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils  
7 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)  
8 (a) 1. to 11. and 13. and pupils enrolled and counted on an alternate counting date  
9 under s. 121.05 (3) or (3m), and the number of pupils attending the Challenge  
10 Academy program under s. 321.03 (1) (c) in the previous spring session, except that  
11 "number of pupils enrolled" excludes the number of pupils attending public school  
12 under ~~s. ss.~~ 118.145 (4) and 118.53 and except as follows:

\*\*\*\*NOTE: This is reconciled s. 121.90 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-1187/P2 and LRB-1029/P5.

13 **\*-0221/P3.8\*SECTION 1901.** 125.06 (11) of the statutes is amended to read:

14 125.06 (11) AUCTION SALES. The sale by an auction house at public auction of  
15 a collection of sealed bottles of intoxicating liquor or unopened beer cans for the  
16 purpose of settling an estate or disposing of the collection or the auction sale of sealed  
17 bottles or containers of wine or of unopened bottles of intoxicating liquor or  
18 fermented malt beverages by a charitable organization, as defined in s. ~~440.41~~ 202.11  
19 (1), at an auction held to raise money for the charitable organization.

20 **\*-0221/P3.9\*SECTION 1902.** 134.73 (1) (a) of the statutes is amended to read:

21 134.73 (1) (a) "Contribution" has the meaning given in s. ~~440.41~~ 202.11 (5).

22 **\*-0221/P3.10\*SECTION 1903.** 134.73 (1) (c) of the statutes is amended to read:

23 134.73 (1) (c) "Solicit" has the meaning given in s. ~~440.41~~ 202.11 (8).

1           \*-0360/P2.1\*SECTION 1904. 139.30 (7) of the statutes is amended to read:

2           139.30 (7) "Manufacturer" means any person who manufactures cigarettes for  
3           the purpose of sale, including the authorized agent of a person who manufactures  
4           cigarettes for the purpose of sale. "Manufacturer" includes a person who owns an  
5           automated roll-your-own machine that is used to make cigarettes, but does not  
6           include an individual who owns a roll-your-own machine and uses the machine in  
7           his or her home solely to make cigarettes for his or her personal use or for the use of  
8           other individuals who live in his or her home.

9           \*-1485/P2.99\*SECTION 1905. 146.45 of the statutes is repealed.

10          \*-1345/2.2\*SECTION 1906. 146.63 of the statutes is created to read:

11          **146.63 Grants to establish graduate medical training programs. (1)**

12          DEFINITION. In this section, "hospital" has the meaning given under s. 50.33 (2).

13          **(2) DEPARTMENTAL DUTIES.** (a) Subject to subs. (4) and (5), the department shall  
14          distribute grants from the appropriation under s. 20.435 (1) (f) to assist hospitals  
15          and groups of hospitals in procuring infrastructure and increasing case volume to the  
16          extent necessary to develop accredited graduate medical training programs. The  
17          department shall distribute the grants under this paragraph to hospitals and groups  
18          of hospitals that apply to receive a grant under sub. (3) and that satisfy the criteria  
19          established by the department under par. (b).

20          (b) The department shall establish criteria for approving and distributing  
21          grants under par. (a) and criteria for approving plans under sub. (3).

22          **(3) GRANT APPLICATION.** A hospital or group of hospitals may apply, in the form  
23          and manner determined by the department, to receive a grant under sub. (2) (a). The  
24          hospital or group of hospitals shall include in the application a plan to use the funds  
25          to procure infrastructure or increase case volume to the extent necessary to develop

1 an accredited graduate medical training program at the hospital or group of  
2 hospitals and a plan to satisfy the matching requirement under sub. (4).

3 (4) MATCHING FUNDS. The department may not distribute a grant under sub.  
4 (2) (a) unless the hospital or group of hospitals offers to provide matching funds in  
5 an amount determined by the department.

6 (5) TERM OF GRANTS. The department may not distribute a grant under sub. (2)  
7 (a) to a hospital or group of hospitals for a term that is more than 3 years.

8 \*-1540/P2.2\*SECTION 1907. 146.64 of the statutes is created to read:

9 **146.64 Grants to support graduate medical training programs. (1)**

10 DEFINITION. In this section, "hospital" has the meaning given under s. 50.33 (2).

11 (2) DEPARTMENTAL DUTIES. (a) Subject to par. (c) and sub. (4), the department  
12 shall distribute grants to assist hospitals with maintaining accredited graduate  
13 medical training programs. The department shall distribute the grants under this  
14 paragraph to hospitals that apply to receive a grant under sub. (3) and that satisfy  
15 the criteria established by the department under par. (b) and the eligibility  
16 requirement under sub. (4).

17 (b) The department shall establish criteria for approving and distributing  
18 grants under par. (a).

19 (c) 1. The department shall distribute funds for grants under par. (a) from the  
20 appropriation under s. 20.435 (4) (b). The department may not distribute more than  
21 \$50,000 from the appropriation under s. 20.435 (4) (b) to a particular hospital in a  
22 given state fiscal year.

23 2. If the department receives matching federal medical assistance funds, the  
24 department shall distribute those funds for grants under par. (a) in addition to any  
25 funds distributed under subd. 1.

1 (d) The department shall seek federal medical assistance funds to match the  
2 grants distributed under par. (a). If the department receives those funds, the  
3 department shall distribute them as provided in par. (c) 2.

4 (3) GRANT APPLICATION. A hospital may apply, in the form and manner  
5 determined by the department, to receive a grant under sub. (2) (a).

6 (4) ELIGIBILITY. A hospital that has an accredited graduate medical training  
7 program in any of the following specialties may apply to receive a grant under sub.  
8 (3):

9 (a) Family medicine.

10 (b) Pediatrics.

11 (c) Psychiatry.

12 (d) General surgery.

13 (e) Internal medicine.

14 **\*-1259/2.2\*SECTION 1908.** 153.05 (2r) (intro.) of the statutes is amended to  
15 read:

16 153.05 (2r) (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), from the  
17 appropriation account under s. 20.515 (1) (ut) the department of employee trust  
18 funds may expend up to \$150,000, and from the appropriation accounts under s.  
19 20.435 (1) (fn), (hg), and (hi) the department of health services, in its capacity as a  
20 public health authority, may expend moneys, to contract with a data organization to  
21 perform services under this subchapter that are specified for the data organization  
22 under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health services  
23 to perform or contract for the performance of these services. As a condition of the  
24 contract under this subsection, all of the following apply:

1           **\*-1259/2.3\*SECTION 1909.** 153.05 (2r) (d) to (h) of the statutes are created to  
2 read:

3           153.05 (2r) (d) The data organization shall provide an Internet site that offers  
4 health care provider cost and quality data and reports to consumers in a manner that  
5 is comprehensive and transparent and that uses language that is understandable to  
6 laypersons.

7           (e) The data organization shall conduct statewide consumer information  
8 campaigns to improve health literacy.

9           (f) The data organization shall provide a review and reconsideration software  
10 solution to allow health care providers to validate their cost and quality data prior  
11 to publication on the Internet site described in par. (d).

12           (g) The data organization shall conduct other functions in support of the  
13 responsibilities under sub. (1) (c) as specified in the contract by the department of  
14 health services and the department of employee trust funds.

15           (h) The data organization shall fulfill the requirements under this subsection  
16 according to timelines established by the department of health services and the  
17 department of employee trust funds.

18           **\*-0469/1.56\*SECTION 1910.** 157.055 (2) (intro.) of the statutes is amended to  
19 read:

20           157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),  
21 (3m), and (4), 979.02, and 979.10, and subch. ~~VII~~ VIII of ch. 440, during a period of  
22 a state of emergency related to public health declared by the governor under s.  
23 323.10, a public health authority may do all of the following:

24           **\*-0548/P1.1\*SECTION 1911.** 165.055 (3) of the statutes is created to read:

1           165.055 (3) The attorney general may appoint, in the unclassified service, a  
2           solicitor general and no more than 3 deputy solicitors general, each of whom shall be  
3           an attorney at law licensed to practice in this state. The attorney general may assign  
4           assistant attorneys general to assist the solicitor general.

5           **\*-0207/P1.1\*SECTION 1912.** 165.75 (2) of the statutes is amended to read:

6           165.75 (2) ~~The laboratories shall be located in the cities of Madison, Milwaukee~~  
7           ~~and Wausau.~~ The personnel of the laboratories shall consist of such employees as are  
8           authorized under s. 20.922. ~~The laboratory in the city of Milwaukee is named the~~  
9           ~~William J. McCauley crime laboratory.~~

10          **\*-0422/P4.5\*SECTION 1913.** 165.76 (1) (am) of the statutes is created to read:

11          165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed  
12          by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
13          (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b).

14          **\*-0422/P4.6\*SECTION 1914.** 165.76 (1) (as) of the statutes is created to read:

15          165.76 (1) (as) Is or was found guilty of any misdemeanor on or after the  
16          effective date of this paragraph .... [LRB inserts date].

17          **\*-0422/P4.7\*SECTION 1915.** 165.76 (1) (av) of the statutes is renumbered

18          165.76 (1) (av) (intro.) and amended to read:

19          165.76 (1) (av) (intro.) Is or was found guilty on or after January 1, 2000, of any  
20          of the following:

21           1. Any felony or any.

22           2. Before the effective date of this subdivision .... [LRB inserts date], any  
23          violation of s. 165.765 (1), 2011 stats., 940.225 (3m), 944.20, or 948.10 (1) (b).

24          **\*-0422/P4.8\*SECTION 1916.** 165.76 (1) (aw) of the statutes is created to read:

1           165.76 (1) (aw) Is or was found guilty on or after January 1, 2000, and before  
2 the effective date of this paragraph .... [LRB inserts date], of any violation of s.  
3 940.225 (3m), 944.20, or 948.10.

4           **\*-0422/P4.9\*SECTION 1917.** 165.76 (1) (b) of the statutes is renumbered 165.76  
5 (1) (bm).

6           **\*-0422/P4.10\*SECTION 1918.** 165.76 (1) (bg) of the statutes is created to read:  
7 165.76 (1) (bg) Is or was sentenced or placed on probation on or after August  
8 12, 1993, for a violation of s. 940.225, 948.02 (1) or (2), or 948.025.

9           **\*-0422/P4.11\*SECTION 1919.** 165.76 (1) (br) of the statutes is amended to read:  
10 165.76 (1) (br) Has been found not guilty or not responsible by reason of mental  
11 disease or defect on or after January 1, 2000, and committed under s. 51.20 or 971.17,  
12 for any felony or a violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 944.20,  
13 946.52, or 948.10 (1) (b).

14           **\*-0422/P4.12\*SECTION 1920.** 165.76 (1) (cr) of the statutes is amended to read:  
15 165.76 (1) (cr) Is or was in institutional care on or after January 1, 2000, for  
16 a felony or any violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 944.20,  
17 946.52, or 948.10 (1) (b).

18           **\*-0422/P4.13\*SECTION 1921.** 165.76 (1) (g) of the statutes is amended to read:  
19 165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 165.84 (7),  
20 938.21 (1m), 938.30 (2m), 938.34 (15m) (15), 970.02 (8), 971.17 (1m) (a), 973.047, or  
21 980.063 to provide a biological specimen to the state crime laboratories for  
22 deoxyribonucleic acid analysis.

23           **\*-0422/P4.14\*SECTION 1922.** 165.76 (1m) of the statutes is amended to read:  
24 165.76 (1m) If a person is required to provide a biological specimen under sub.  
25 (1) (a) to (g) and the department of justice does not have the data obtained from

1 analysis of a biological specimen from the person that the department is required to  
2 maintain in the data bank under s. 165.77 (3), the department may require the  
3 person to provide a biological specimen, regardless of whether the person previously  
4 provided a biological specimen under this section or s. 51.20 (13) (cr), 165.84 (7),  
5 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or  
6 980.063. The department of justice, the department of corrections, a district  
7 attorney, or a county sheriff, shall notify any person whom the department of justice  
8 requires to provide a biological specimen under this subsection.

9 \*-0422/P4.15\*SECTION 1923. 165.76 (2m) of the statutes is repealed.

10 \*-0422/P4.16\*SECTION 1924. 165.76 (2r) of the statutes is amended to read:

11 165.76 (2r) Failure by a person who is required to provide a biological specimen  
12 under sub. (1) to provide the biological specimen ~~at the time and place provided under~~  
13 ~~sub. (2m)~~ in accordance with the rules promulgated under sub. (4) does not relieve  
14 the person of the obligation to provide a biological specimen to the state crime  
15 laboratories for deoxyribonucleic acid analysis.

16 \*-0422/P4.17\*SECTION 1925. 165.76 (3) of the statutes is repealed.

17 \*-0422/P4.18\*SECTION 1926. 165.76 (4) of the statutes is renumbered 165.76

18 (4) (intro.) and amended to read:

19 165.76 (4) (intro.) The department of justice ~~may~~ shall promulgate rules to  
20 ~~implement~~ do all of the following:

21 (e) Carry out the department's duties under this section.

22 \*-0422/P4.19\*SECTION 1927. 165.76 (4) (a), (b), (c) and (d) of the statutes are  
23 created to read:

24 165.76 (4) (a) Establish procedures and time limits for obtaining and  
25 submitting biological specimens under this section and ss. 51.20 (13) (cr), 165.84 (7),

1 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, and  
2 980.063.

3 (b) Specify whether an individual who is required under this section or s. 51.20  
4 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a),  
5 973.047, or 980.063 to provide a biological specimen for deoxyribonucleic acid  
6 analysis must provide a new biological specimen if the crime laboratories already  
7 have a biological specimen from the individual or if data obtained from  
8 deoxyribonucleic acid analysis of the individual's biological specimen are already  
9 included in the data bank under s. 165.77 (3).

10 (c) Allow a biological specimen, or data obtained from analysis of a biological  
11 specimen, obtained under this section or s. 51.20 (13) (cr), 165.84 (7), 938.21 (1m),  
12 938.30 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or 980.063 to be  
13 submitted for inclusion in an index established under 42 USC 14132 (a) or in another  
14 national index system.

15 (d) Provide reimbursement from s. 20.455 (2) (Lm) to a person in charge of a  
16 law enforcement agency or tribal law enforcement agency at a rate of \$10 per  
17 specimen except that, if the department already has a biological specimen, or data  
18 obtained from analysis of a biological specimen, from the individual, the department  
19 may not reimburse the person in charge of the agency.

20 \*-0422/P4.20\*SECTION 1928. 165.765 (title) of the statutes is amended to read:

21 **165.765 (title) Biological specimen; penalty force and immunity.**

22 \*-0422/P4.21\*SECTION 1929. 165.765 (1) of the statutes is renumbered 946.52  
23 and amended to read:

24 **946.52 Failure to submit biological specimen.** Whoever intentionally fails  
25 to comply with a requirement to submit a biological specimen under s. 165.76, 165.84

1 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 973.047, or 980.063 may be  
2 fined not more than \$10,000 or imprisoned for not more than 9 months or both is  
3 guilty of a Class A misdemeanor.

4 **\*-0422/P4.22\*SECTION 1930.** 165.765 (1g) and (1m) of the statutes are created  
5 to read:

6 165.765 (1g) In this section:

7 (a) "Correctional officer" has the meaning given in s. 301.28 (1).

8 (b) "Jail officer" has the meaning given in s. 165.85 (2) (bn).

9 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

10 (d) "Tribal officer" has the meaning given in s. 165.85 (2) (g).

11 (1m) A law enforcement officer; a jail officer; a tribal officer; a correctional  
12 officer; a probation, extended supervision, or parole officer; or an employee of the  
13 department of health services may use reasonable force to obtain a biological  
14 specimen from a person who intentionally refuses to provide a biological specimen  
15 that is required under s. 165.76 (1), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15),  
16 or 970.02 (8).

17 **\*-0422/P4.23\*SECTION 1931.** 165.765 (2) (a) of the statutes is renumbered  
18 165.765 (2) (a) 1. and amended to read:

19 165.765 (2) (a) 1. Any physician, registered nurse, medical technologist,  
20 physician assistant, or person acting under the direction of a physician who obtains  
21 a biological specimen under s. 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30  
22 (2m), 938.34 (15), 970.02 (8), 971.17 (1m) (a), 973.047, or 980.063 is immune from any  
23 civil or criminal liability for the act, except for civil liability for negligence in the  
24 performance of the act.

## SECTION 1932

1           **\*-0422/P4.24\*SECTION 1932.** 165.765 (2) (b) of the statutes is renumbered  
2 165.765 (2) (a) 2. and amended to read:

3           165.765 (2) (a) 2. Any employer of the physician, nurse, technologist, assistant,  
4 or person under ~~par. (a) subd. 1.~~ or any hospital where blood is withdrawn by that  
5 physician, nurse, technologist, assistant, or person ~~has the same immunity from~~  
6 ~~liability under par. (a) is immune from any civil or criminal liability for the act, except~~  
7 for civil liability for negligence in the performance of the act.

8           **\*-0422/P4.25\*SECTION 1933.** 165.765 (2) (bm) of the statutes is created to  
9 read:

10           165.765 (2) (bm) A law enforcement officer; a jail officer; a tribal officer; a  
11 correctional officer; a probation, extended supervision, or parole officer; or an  
12 employee of the department of health services, who is authorized to collect biological  
13 specimens, is immune from civil or criminal liability for collecting a biological  
14 specimen if the collection is in compliance with sub. (1m) and s. 165.76 and performed  
15 in good faith and in a reasonable manner.

16           **\*-0422/P4.26\*SECTION 1934.** 165.77 (1) (am) of the statutes is created to read:

17           165.77 (1) (am) "Juvenile offense requiring the submission of a specimen"  
18 means an offense for which the juvenile is required under s. 938.34 (15) (a) to provide  
19 a biological specimen to the state crime laboratories for deoxyribonucleic acid  
20 analysis.

21           **\*-0422/P4.27\*SECTION 1935.** 165.77 (2) (a) 2. of the statutes is amended to  
22 read:

23           165.77 (2) (a) 2. The laboratories may compare the data obtained from the  
24 specimen with data obtained from other specimens. The laboratories may make data  
25 obtained from any analysis and comparison available to law enforcement agencies

1 in connection with criminal or delinquency investigations and, upon request, to any  
2 prosecutor, defense attorney, or subject of the data. The data may be used in criminal  
3 and delinquency actions and proceedings. The laboratories shall not include data  
4 obtained from deoxyribonucleic acid analysis of those specimens received under this  
5 paragraph in the data bank under sub. (3). ~~The laboratories shall destroy specimens~~  
6 ~~obtained under this paragraph after analysis has been completed and the applicable~~  
7 ~~court proceedings have concluded.~~

8 **\*-0422/P4.28\*SECTION 1936.** 165.77 (2) (b) of the statutes is amended to read:

9 165.77 (2) (b) Paragraph (a) does not apply to specimens received under s. 51.20  
10 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8), 971.17  
11 (1m) (a), 973.047, or 980.063.

12 **\*-0422/P4.29\*SECTION 1937.** 165.77 (2m) (c) of the statutes is amended to  
13 read:

14 165.77 (2m) (c) Paragraph (b) does not apply to specimens received under s.  
15 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8),  
16 971.17 (1m) (a), 973.047, or 980.063.

17 **\*-0422/P4.30\*SECTION 1938.** 165.77 (3) of the statutes is amended to read:

18 165.77 (3) If the laboratories receive a human biological specimen under s.  
19 51.20 (13) (cr), 165.76, 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), 970.02 (8),  
20 971.17 (1m) (a), 973.047, or 980.063, the laboratories shall analyze the  
21 deoxyribonucleic acid in the specimen. The laboratories shall maintain a data bank  
22 based on data obtained from deoxyribonucleic acid analysis of those specimens. The  
23 laboratories may compare the data obtained from one specimen with the data  
24 obtained from other specimens. The laboratories may make data obtained from any  
25 analysis and comparison available to law enforcement agencies in connection with

## SECTION 1938

1 criminal or delinquency investigations and, upon request, to any prosecutor, defense  
2 attorney or subject of the data. The data may be used in criminal and delinquency  
3 actions and proceedings. ~~The laboratories shall destroy specimens obtained under~~  
4 ~~this subsection after analysis has been completed and the applicable court~~  
5 ~~proceedings have concluded.~~

6 **\*-0422/P4.31\*SECTION 1939.** 165.77 (4) (intro.) of the statutes is renumbered  
7 165.77 (4) (am) (intro.) and amended to read:

8 165.77 (4) (am) (intro.) A person whose deoxyribonucleic acid analysis data ~~has~~  
9 have been included in the data bank under sub. (3) may request expungement on the  
10 grounds that his or her conviction or adjudication has been reversed, set aside or  
11 vacated. The all of the following conditions are satisfied:

12 (bm) If the department determines that the conditions under par. (am) are  
13 satisfied, the laboratories shall purge all records and identifiable information in the  
14 data bank pertaining to the person and destroy all samples from the person if it  
15 receives all of the following: upon receiving the person's written request for  
16 expungement and any documentation the department requires under rules  
17 promulgated under sub. (8).

18 **\*-0422/P4.32\*SECTION 1940.** 165.77 (4) (a) and (b) of the statutes are repealed.

19 **\*-0422/P4.33\*SECTION 1941.** 165.77 (4) (am) 1., 2. and 3. of the statutes are  
20 created to read:

21 165.77 (4) (am) 1. If the person was required to submit a biological specimen  
22 under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or 980.063, all  
23 convictions or adjudications for which the person was required to submit a biological  
24 specimen under s. 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or  
25 980.063 have been reversed, set aside, or vacated.

1           2. If the person was required to provide a biological specimen under s. 165.84  
2           (7) in connection with an arrest or under s. 970.02 (8), one of the following applies:

3           a. All charges filed in connection with the arrest and all charges for which the  
4           person was required to provide a biological specimen under s. 970.02 (8) have been  
5           dismissed.

6           b. The trial court reached final disposition for all charges in connection with  
7           the arrest and for any charges for which the person was required to provide a  
8           biological specimen under s. 970.02 (8), and the person was not adjudged guilty of a  
9           crime in connection with the arrest or any charge for which the person was required  
10          to provide a biological specimen under s. 970.02 (8).

11          c. At least one year has passed since the arrest and the person has not been  
12          charged with a crime in connection with the arrest.

13          d. The person was adjudged guilty of a crime in connection with either the  
14          arrest or any charge for which the person was required to provide a biological  
15          specimen under s. 970.02 (8), and all such convictions have been reversed, set aside,  
16          or vacated.

17          3. If the person was required to provide a biological specimen under s. 165.84  
18          (7) in connection with being taken into custody under s. 938.19 or under s. 938.21  
19          (1m) or 938.30 (2m), one of the following applies:

20          a. All criminal complaints or delinquency petitions alleging that the person  
21          committed a violation of a juvenile offense requiring the submission of a specimen  
22          in connection with the taking into custody have been dismissed.

23          b. The trial court reached final disposition for all allegations that the person  
24          committed a violation of a juvenile offense requiring the submission of a specimen  
25          in connection with the taking into custody and the person was not convicted or

1 adjudged delinquent for a juvenile offense requiring the submission of a specimen  
2 in connection with the taking into custody.

3 c. At least one year has passed since the person was taken into custody and no  
4 criminal complaint or delinquency petition alleging that the person committed a  
5 violation of a juvenile offense requiring the submission of a specimen has been filed  
6 against the person in connection with the taking into custody.

7 d. The person was convicted or adjudged delinquent for a juvenile offense  
8 requiring the submission of a specimen in connection with the taking into custody  
9 and the conviction or delinquency adjudication has been reversed, set aside, or  
10 vacated.

11 **\*-0422/P4.34\*SECTION 1942.** 165.77 (7m) of the statutes is created to read:

12 165.77 (7m) An entry in the data bank that is found to be erroneous does not  
13 prohibit the legitimate use of the entry to further a criminal investigation or  
14 prosecution. The failure of a law enforcement agency or the laboratories to comply  
15 with s. 165.76, 165.765, 165.77, or 165.84, or any rules or procedures adopted to  
16 administer those sections, is not grounds for challenging the validity of the data  
17 collection, for challenging the use of the sample as provided in those sections, or for  
18 the suppression of evidence based upon or derived from any entry in the data bank.

19 **\*-0221/P3.11\*SECTION 1943.** 165.825 of the statutes is amended to read:

20 **165.825 Information link; ~~department of health services.~~** The  
21 department of justice shall cooperate with the departments of safety and  
22 professional services ~~and, health services, and financial institutions~~ in developing  
23 and maintaining a computer linkup to provide access to the information obtained  
24 from a criminal history search.

25 **\*-0422/P4.35\*SECTION 1944.** 165.84 (7) of the statutes is created to read:

1           165.84 (7) (a) Subject to rules promulgated under s. 165.76 (4), all persons in  
2 charge of law enforcement and tribal law enforcement agencies shall obtain, when  
3 the individual's fingerprints or other identifying data are obtained, a biological  
4 specimen for deoxyribonucleic acid analysis from each individual arrested for a  
5 felony or for an offense under s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31,  
6 944.33 (1), 946.52, or 948.10 (1) (b) and each minor taken into custody for a juvenile  
7 offense requiring the submission of a specimen, as defined under s. 165.77 (1) (am).  
8 The person in charge of the law enforcement or tribal law enforcement agency shall  
9 submit the specimen to the crime laboratories for deoxyribonucleic acid analysis and  
10 inclusion of the individual's deoxyribonucleic acid profile in the data bank under s.  
11 165.77 (3).

12           (b) Biological samples required under par. (a) shall be obtained and submitted  
13 as specified in rules promulgated by the department of justice under s. 165.76 (4).

14           (c) Biological specimens obtained under this section may be used only as  
15 provided under s. 165.77.

16           \*-0839/P4.67\*SECTION 1945. 165.845 (title) of the statutes is created to read:

17           **165.845 (title) Collect crime data.**

18           \*-0839/P4.68\*SECTION 1946. 165.845 (1) (intro.) of the statutes is created to  
19 read:

20           165.845 (1) (intro.) The department of justice shall:

21           \*-0338/P1.1\*SECTION 1947. 165.89 (4) of the statutes is repealed.

22           \*-0338/P1.2\*SECTION 1948. 165.91 (4) of the statutes is repealed.

23           \*-0538/P7.6\*SECTION 1949. 165.93 (2) (a) of the statutes is amended to read:

1           165.93 (2) (a) ~~Beginning on January 1, 1995, the~~ The department shall provide  
2           grants to eligible organizations from the ~~appropriation~~ appropriations under s.  
3           20.455 (5) ~~(ge)~~ (e) and ~~(gj)~~ to provide services for sexual assault victims.

      \*\*\*NOTE: This is reconciled s. 165.93 (2) (a). This SECTION has been affected by  
      drafts with the following LRB numbers: LRB-0538/P6 and LRB-0839/P4.

4           \*~~-1062/P5.2~~\*SECTION 1950. 165.94 of the statutes is created to read:

5           **165.94 Grants for global positioning system tracking.** (1) From the  
6           appropriation under s. 20.455 (5) (br), the department of justice may provide grants  
7           to any eligible local unit of government, law enforcement agency, or tribal law  
8           enforcement agency whose plan for expending the grant moneys to fund a global  
9           positioning system tracking program for persons who are subject to an order under  
10          s. 813.129 is approved.

11          (2) The department of justice shall develop criteria which, notwithstanding s.  
12          227.10 (1), need not be promulgated as rules under ch. 227, as guidelines to be  
13          followed by a local unit of government, law enforcement agency, or tribal law  
14          enforcement agency that wishes to establish a program for global positioning system  
15          tracking pursuant to s. 813.129 (6) for persons subject to an order under s. 813.129  
16          (1) (a) and for use in awarding grants under this section.

17          \*~~-0839/P4.69~~\*SECTION 1951. 165.95 (title) of the statutes is created to read:

18          **165.95 (title) Alternatives to incarceration; grant program.**

19          \*~~-0332/P2.2~~\*SECTION 1952. 165.984 of the statutes is repealed.

20          \*~~-0839/P4.70~~\*SECTION 1953. 165.986 (title) of the statutes is created to read:

21          **165.986 (title) Beat patrol officers; grant program.**

22          \*~~-0839/P4.71~~\*SECTION 1954. 165.987 (title) of the statutes is created to read:

23          **165.987 (title) Youth diversion programs; grant program.**

**\*-0360/P2.2\*SECTION 1955.** 167.35 (1) (f) 4. of the statutes is created to read:

167.35 (1) (f) 4. Any person who owns an automated roll-your-own machine that is used to make cigarettes, not including an individual who owns a roll-your-own machine and uses the machine in his or her home solely to make cigarettes for his or her personal use or for the use of other individuals who live in his or her home.

**\*-0387/7.53\*SECTION 1956.** Chapter 168 (title) of the statutes is repealed and recreated to read:

## CHAPTER 168

## PETROLEUM PRODUCTS

## AND DANGEROUS SUBSTANCES

**\*-0387/7.54\*SECTION 1957.** Subchapter I (title) of chapter 168 [precedes 168.01] of the statutes is created to read:

## CHAPTER 168

## SUBCHAPTER I

## PETROLEUM PRODUCT INSPECTIONS

**\*-0387/7.55\*SECTION 1958.** 168.01 (intro.) of the statutes is amended to read:

**168.01 Definitions.** (intro.) In this chapter subchapter:

**\*-0387/7.56\*SECTION 1959.** 168.01 (1) of the statutes is amended to read:

168.01 (1) “Department” means the department of ~~safety and professional~~  
~~services~~ agriculture, trade and consumer protection.

**\*-0387/7.57\*SECTION 1960.** 168.01 (2) of the statutes is renumbered 168.01 (4).

**\*-0387/7.58\*SECTION 1961.** 168.02 (title) of the statutes is repealed.

**\*-0387/7.59\*SECTION 1962.** 168.02 of the statutes is renumbered 168.01 (2).

## SECTION 1963

1        **\*-0387/7.60\*SECTION 1963.** 168.03 (title) of the statutes is repealed.

2        **\*-0387/7.61\*SECTION 1964.** 168.03 of the statutes is renumbered 168.01 (3).

3        **\*-0387/7.62\*SECTION 1965.** 168.05 (1) of the statutes is amended to read:

4            168.05 (1) No petroleum product imported into and received in this state or  
5        received from a manufacturer or refiner or from a marine or pipeline terminal within  
6        this state may be unloaded from its original container except as provided under sub.  
7        (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken  
8        as provided in this ~~chapter~~ subchapter. This subsection does not apply if the  
9        department has previously inspected the petroleum product at the refinery, marine  
10       or pipeline terminal. Each person importing or receiving a petroleum product which  
11       has not been previously inspected shall notify the inspector in the person's district  
12       of the receipt thereof, and the inspector shall take a sample of the petroleum product.

13       **\*-0387/7.63\*SECTION 1966.** 168.06 (1) of the statutes is amended to read:

14           168.06 (1) For the purposes of administering this ~~chapter~~ subchapter,  
15       inspectors may take samples of gasoline, gasoline-alcohol fuel blends, kerosene,  
16       other refined oils, fuel oils and petroleum distillates for tests and make inspections  
17       at any points within or without this state, and may open any original container  
18       containing gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel  
19       oils and petroleum distillates and take a true sample of not less than 8 ounces of the  
20       contents thereof, even though the original containers may still be in the possession  
21       of a common or contract carrier, provided the opening and sampling does not unduly  
22       inconvenience or hamper the transportation of the products. After the original  
23       containers are opened and sampled the same shall be resealed with seals furnished  
24       by the department for such purposes. The authority conferred by this section shall  
25       be in addition to, and not in limitation of, any of the provisions of s. 168.05.

1           **\*-0387/7.64\*SECTION 1967.** 168.08 (1) of the statutes is amended to read:

2           168.08 (1) Time and place of each inspection.

3           **\*-0387/7.65\*SECTION 1968.** 168.09 of the statutes is amended to read:

4           **168.09 Authority to enter.** Any inspector may enter in or upon the premises  
5 of any manufacturer, vendor, dealer or user of gasoline, gasoline-alcohol fuel blends,  
6 kerosene, other refined oils, fuel oils and petroleum distillates, during regular  
7 business hours to determine whether any petroleum product intended for sale or use  
8 has not been sampled and inspected in accordance with this ~~chapter~~ subchapter.

9           **\*-0387/7.66\*SECTION 1969.** 168.125 of the statutes is amended to read:

10          **168.125 Reports; payment.** Persons who are liable for the fee under this  
11 ~~chapter~~ subchapter shall state the number of gallons of petroleum products on which  
12 the fee is due and the amount of their liability for the fee in the reports under s. 78.12  
13 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12  
14 (5) apply to the fee under this ~~chapter~~ subchapter.

15          **\*-0387/7.67\*SECTION 1970.** 168.15 of the statutes is amended to read:

16          **168.15 Penalty.** Every person who violates any provision of this ~~chapter~~  
17 subchapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than  
18 \$10 nor more than \$100 for each violation. Each day a person fails to comply with  
19 any provision of this ~~chapter~~ subchapter is a separate violation.

20          **\*-0387/7.68\*SECTION 1971.** 168.16 (1) of the statutes is amended to read:

21          168.16 (1) The department shall enforce this ~~chapter~~ subchapter. Inspection  
22 districts shall be defined and numbered by the department.

23          **\*-0387/7.69\*SECTION 1972.** 168.16 (2) of the statutes is amended to read:

168.16 (2) Any accident or explosion involving products of petroleum which comes to the knowledge of the department shall be investigated to determine whether or not there has been a violation of this ~~chapter~~ subchapter.

**\*-0387/7.70\*SECTION 1973.** 168.16 (4) of the statutes is amended to read:

168.16 (4) The department may promulgate reasonable rules relating to the administration and enforcement of this ~~chapter~~ subchapter.

**\*-0387/7.71\*SECTION 1974.** 168.17 of the statutes is amended to read:

**168.17 Attorney general and district attorney to prosecute.** Upon request of the department, the attorney general or proper district attorney shall prosecute any action to enforce this ~~chapter~~ subchapter except the fee that is imposed under s. 168.12 (1).

**\*-0387/7.72\*SECTION 1975.** 168.18 of the statutes is repealed.

**\*-0387/7.73\*SECTION 1976.** Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes is created to read:

## CHAPTER 168

### SUBCHAPTER II

#### STORAGE OF DANGEROUS SUBSTANCES

**\*-0387/7.74\*SECTION 1977.** 168.21 (2) of the statutes is created to read:

168.21 (2) "Department" means <sup>the</sup> department of agriculture, trade and consumer protection.

**\*-0355/1.4\*SECTION 1978.** 175.49 (5m) of the statutes is amended to read:

175.49 (5m) FEES. The department may charge a fee to verify eligibility for a certification card under this section, for the issuance of a certification card under sub. (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed the costs the department incurs in verifying eligibility or for issuing or renewing a

1 certification card. Payments made to the department under this subsection shall be  
2 credited to the appropriation account under s. 20.455 (2) ~~(gu)~~ (gr).

3 **\*-0215/2.1\*SECTION 1979.** 180.1421 (2m) (b) of the statutes is amended to  
4 read:

5 180.1421 **(2m)** (b) If the notice under par. (a) is returned to the department as  
6 undeliverable or if the corporation's principal office cannot be determined from the  
7 records of the department, the department shall give the notice by ~~publishing a class~~  
8 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
9 department's Internet site.

10 **\*-0215/2.2\*SECTION 1980.** 180.1531 (2m) (b) of the statutes is amended to  
11 read:

12 180.1531 **(2m)** (b) If the notice under par. (a) is returned to the department as  
13 undeliverable or if the corporation's principal office cannot be determined from the  
14 records of the department, the department shall give the notice by ~~publishing a class~~  
15 ~~1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
16 department's Internet site.

17 **\*-0221/P3.12\*SECTION 1981.** 181.0203 (3) of the statutes is amended to read:

18 181.0203 **(3)** NOTIFICATION OF REPORTING REQUIREMENTS. Upon filing articles of  
19 incorporation of a corporation, the department shall inform the corporation of the  
20 reporting requirements under s. ~~440.42~~ 202.12 for charitable organizations that  
21 solicit contributions.

22 **\*-0215/2.3\*SECTION 1982.** 181.1421 (2) (b) of the statutes is amended to read:

23 181.1421 **(2)** (b) If the notice under par. (a) is returned to the department as  
24 undeliverable or if the corporation's principal office cannot be determined from the  
25 records of the department, the department shall give the notice by ~~publishing a class~~

1 ~~1 notice under ch. 985 in the official state newspaper posting the notice on the~~  
2 ~~department's Internet site.~~

3 **\*-0215/2.4\*SECTION 1983.** 181.1421 (3) (d) of the statutes is amended to read:

4 181.1421 (3) (d) If the notice is published as a class 1 notice, under ch. 985, the  
5 effective date set under ch. 985 for the notice posted on the department's Internet  
6 site, the date of posting.

7 **\*-0215/2.5\*SECTION 1984.** 181.1531 (2g) (b) of the statutes is amended to read:

8 181.1531 (2g) (b) If the notice under par. (a) is returned to the department as  
9 undeliverable or if the corporation's principal office cannot be determined from the  
10 records of the department, the department shall give the notice by publishing a class  
11 1 notice under ch. 985 in the official state newspaper posting the notice on the  
12 department's Internet site.

13 **\*-0214/1.1\*SECTION 1985.** 181.1622 (1) (intro.) of the statutes is amended to  
14 read:

15 181.1622 (1) CONTENT. (intro.) Each domestic corporation and each foreign  
16 corporation authorized to transact business in this state shall file with the  
17 department an annual report under this section. The department shall forward by  
18 1st class mail a report form to every corporation that has filed an annual report  
19 during the past 2 years. The department shall mail the report form no later than 60  
20 days before the date on which the corporation is required by this chapter to file an  
21 annual report. The annual report shall include that includes all of the following  
22 information:

23 **\*-0469/1.57\*SECTION 1986.** 182.028 of the statutes is amended to read:

24 **182.028 School corporations.** Any corporation formed for the establishment  
25 and maintenance of schools, academies, seminaries, colleges or universities or for the

1 cultivation and practice of music shall have power to enact bylaws for the protection  
2 of its property, and provide fines as liquidated damages upon its members and  
3 patrons for violating the bylaws, and may collect the same in tort actions, and to  
4 prescribe and regulate the courses of instruction therein, and to confer such degrees  
5 and grant such diplomas as are usually conferred by similar institutions or as shall  
6 be appropriate to the courses of instruction prescribed, except that no corporation  
7 shall operate or advertise a school that is subject to s. ~~38.50~~ 440.55 (10) without  
8 complying with the requirements of s. ~~38.50~~ 440.55. Any stockholder may transfer  
9 his or her stock to the corporation for its use; and if the written transfer so provides  
10 the stock shall be perpetually held by the board of directors with all the rights of a  
11 stockholder, including the right to vote.

12 **\*-0215/2.6\*SECTION 1987.** 183.09025 (2) (b) of the statutes is amended to read:

13 183.09025 (2) (b) Within 60 days after the date on which the notice is received  
14 or the date on which the ~~class 1~~ notice under par. (d) is ~~published~~ posted, the limited  
15 liability company shall correct each ground for dissolution or demonstrate to the  
16 reasonable satisfaction of the department that each ground determined by the  
17 department does not exist.

18 **\*-0215/2.7\*SECTION 1988.** 183.09025 (2) (d) of the statutes is amended to read:

19 183.09025 (2) (d) If a notice under par. (a) or (c) is returned to the department  
20 as undeliverable, the department shall again mail the notice to the limited liability  
21 company as provided under that paragraph. If the notice is again returned to the  
22 department as undeliverable, the department shall give the notice by ~~publishing a~~  
23 ~~class 1 notice under ch. 985 in the official state newspaper~~ posting the notice on the  
24 department's Internet site.

25 **\*-0215/2.8\*SECTION 1989.** 183.1021 (2g) (b) of the statutes is amended to read:

1 183.1021 (2g) (b) If the notice under par. (a) is returned to the department as  
2 undeliverable or if the foreign limited liability company's principal office cannot be  
3 determined from the records of the department, the department shall give the notice  
4 by publishing a class 1 notice under ch. 985 in the official state newspaper posting  
5 the notice on the department's Internet site.

6 \*-0140/1.1\*SECTION 1990. 194.03 (title) of the statutes is amended to read:

7 194.03 (title) **Interstate and foreign commerce and intrastate**  
8 **commerce.**

9 \*-0140/1.2\*SECTION 1991. 194.03 (1) of the statutes is amended to read:

10 194.03 (1) This chapter shall apply to motor carriers engaged in interstate and  
11 foreign commerce upon the public highways of this state, in all particulars and  
12 provisions lawful under the constitution of the United States and to motor carriers  
13 engaged in intrastate commerce upon the public highways of this state.

14 \*-0140/1.3\*SECTION 1992. 194.03 (2) of the statutes is amended to read:

15 194.03 (2) Fees and taxes provided in this chapter shall be assessed against  
16 operations in interstate and foreign commerce and intrastate commerce and  
17 collected from the carriers performing such operations, as partial compensation for  
18 the use of the highways and policing of the same.

19 \*-0140/1.4\*SECTION 1993. 194.03 (6) of the statutes is renumbered 194.01  
20 (6m) and amended to read:

21 194.01 (6m) ~~Whenever the term "interstate~~ "Interstate commerce" is used in  
22 ~~this chapter it shall be interpreted as including~~ includes foreign commerce.

23 \*-0140/1.5\*SECTION 1994. 194.20 (title) of the statutes is amended to read:

24 194.20 (title) **Certificates and licenses for carriers in interstate and**  
25 **foreign commerce and intrastate commerce.**

1           \*~~-0140/1.6~~\*SECTION 1995. 194.20 (1) of the statutes is amended to read:

2           194.20 (1) Motor carriers operating in interstate ~~and foreign~~ commerce or  
3           intrastate commerce shall obtain certificates and licenses as provided in ss. 194.23  
4           and 194.34. ~~Certificates~~ These certificates and licenses ~~which involve operations in~~  
5           ~~interstate and foreign commerce~~ may be denied by the department if it finds that the  
6           record and experience of the applicant evinces a disposition to violate or evade the  
7           laws or regulations of the state applicable to the operations proposed by the  
8           applicant.

9           \*~~-0221/P3.13~~\*SECTION 1996. 196.208 (5p) (a) 1. of the statutes is amended to  
10          read:

11          196.208 (5p) (a) 1. "Charitable organization" has the meaning given in s.  
12          ~~440.41~~ 202.11 (1).

13          \*~~-0221/P3.14~~\*SECTION 1997. Chapter 202 of the statutes is created to read:

14                                   **CHAPTER 202**

15                                   **REGULATION OF PROFESSIONAL**

16                                   **EMPLOYER ORGANIZATIONS AND**

17                                   **THE SOLICITATION OF FUNDS FOR**

18                                   **A CHARITABLE PURPOSE**

19                                   **SUBCHAPTER I**

20                                   **GENERAL PROVISIONS**

21          **202.01 Definitions.** In this subchapter:

22          (1) "Applicant" means any of the following:

23          (a) A person applying to the department for an initial registration.

24          (b) A person applying to the department for renewal of a registration.

25          (2) "Controlling person" has the meaning given in 202.21 (3).

1 (3) "Department" means the department of financial institutions.

2 (4) "Registrant" means a person who is registered under ss. 202.12 to 202.14  
3 or 202.22.

4 (5) "Registration" means a registration the department issues under ss. 202.12  
5 to 202.14 or 202.22.

6 **202.02 General duties and powers.** (1) The department may issue  
7 subpoenas for the attendance of witnesses and the production of documents or other  
8 materials prior to the commencement of a disciplinary or other proceeding under this  
9 chapter.

10 (2) The department shall establish the content and form of each type of  
11 registration. Upon the request of a registrant and payment of a \$10 fee, the  
12 department may issue to a registrant a wall certificate.

13 (3) The department may require a registrant to do any of the following:

14 (a) Display the registrant's certificate of registration in a conspicuous place in  
15 the registrant's office or place of business.

16 (b) Post a notice in a conspicuous place in the registrant's office or place of  
17 business describing the procedures for filing a complaint against the registrant.

18 (4) (a) The department shall require each applicant to provide his or her social  
19 security number with the applicant's application for a registration or registration  
20 renewal, or, if the applicant is not an individual, the department shall require the  
21 applicant to provide its federal employer identification number.

22 (b) If an applicant is an individual who does not have a social security number,  
23 the applicant shall submit a statement to the department made or subscribed under  
24 oath that the applicant does not have a social security number. The department of